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Election

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

John V. LAMONT et al.

Group Art Unit: 1634

Application No.: 10/046,728

Examiner: B. Forman

Filed: January 17, 2002

Docket No.: 111723

For: IMAGING METHOD

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RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the Restriction Requirement mailed May 21, 2002, Applicants provisionally elect Group I, claims 1-14, drawn to a method for imaging molecules. Applicants respectfully traverse the Restriction Requirement.

According to the Restriction Requirement, the invention of Group II, claim 15, drawn to a computer program, is related to the invention of Group I as a product and a process for using the product. The Patent Office asserted that the inventions are distinct because allegedly the product as claimed can be used in a materially different process of using the product, and the process for using the product as claimed can allegedly be practiced with another materially different product.

Further, it was alleged that the invention of Group III, claim 16, drawn to an imaging device, is related to the invention of Group I as a product and a process for using the product. The Patent Office asserted that the inventions are distinct because allegedly the product as claimed can be used in a materially different process of using the product, and the process for

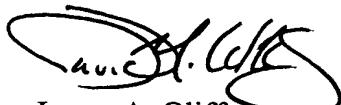
using the product as claimed can allegedly be practiced with another materially different product.

It is respectfully submitted that the subject matter of all claims 1-16 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added).

It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

For at least these reasons, withdrawal of the Restriction Requirement is respectfully requested. Early and favorable action on the merits with respect to all of pending claims 1-16 is respectfully requested.

Respectfully submitted,



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Date: June 14, 2002

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